

RANDAL R. LEONARD, ESQ.
Nevada Bar No. 6716
500 South 8th Street
Las Vegas, NV 89101
(702) 598-3667/ office
(702) 598-3926/ facsimile
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KIM BOLIBA,

Plaintiff,

-vs.-

CAMPING WORLD, INC.; CAMPING WORLD RV
SALES, LLC; WHEELER LAS VEGAS RV d/b/a
CAMPING WORLD RV SALES; WINNEBAGO
INDUSTRIES, INC.; DOES 1-10; and ROE
CORPORATIONS 1-10, inclusive,

Defendants.

CASE No.
2:14-cv-01840-JAD-NJK

ORDER

STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
(Second Request)

Defendants filed a Motion for Summary Judgment on September 8, 2015. A Response is due on October 16, 2015. Based on the stipulation hereinbelow, Plaintiff requests an additional two (2) weeks to file a response.

FRCP 6(b) states:

(b) Extending Time:

(1) In General.

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) With or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) On motion made after the time has expired if the party failed to act because of excusable neglect.

1 Local Rule 6-1 states:

- 2 (a) Every motion requesting a continuance, extension of time, or order shortening time shall
3 be "Filed" by the Clerk and processed as an expedited matter. Ex parte motions and
4 stipulations shall be governed by LR 6-2.
5 (b) Every motion or stipulation to extend time shall inform the Court of any previous
6 extensions granted and state the reasons for the extension requested. A request made after
7 the expiration of the specified period shall not be granted unless the moving party,
8 attorney, or other person demonstrates that the failure to act was the result of excusable
9 neglect. Immediately below the title of such motion or stipulation there shall also be
10 included a statement indicating whether it is the first, second, third, etc., requested
11 extension, i.e.:

12
13 STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS
14 (First Request)

- 15 (c) The Court may set aside any extension obtained in contravention of this Rule.
16 (d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a
17 motion, or to extend the time fixed for hearing a motion, must state in its opening
18 paragraph the filing date of the motion.

19 Local Rule 6-2 states:

- 20 (a) Any stipulations, ex parte or unopposed motions requesting a continuance, extension of
21 time, or order shortening time, and any other stipulation requiring an order shall not
22 initially be "Filed" by the Clerk, but shall be marked "Received." Every such stipulation
23 20 | Page or ex parte or unopposed motion shall include an "Order" in the form of a
24 signature block on which the Court or Clerk can endorse approval of the relief sought.
25 This signature block shall not be on a separate page, but shall appear approximately one
26 inch (1") below the last typewritten matter on the right-hand side of the last page of the
27 stipulation or ex parte or unopposed motion, and shall read as follows:

28 "IT IS SO ORDERED:
[UNITED STATES DISTRICT JUDGE,
UNITED STATES MAGISTRATE JUDGE,
UNITED STATES DISTRICT COURT CLERK]
(whichever is appropriate)

DATED: _____"

- (b) Upon approval, amendment or denial, the stipulation or ex parte or unopposed motion
shall be filed and processed by the Clerk in such manner as may be necessary.

1 The Ninth Circuit has held in Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th
 2 Cir. 2010) that Fed. R. Civ. P. 6(b)(1) “ ‘[is] to be liberally construed to effectuate the general
 3 purpose of seeing that cases are tried on the merits.’ *Rodgers v. Watt*, 722 F.2d 456, 459 (9th
 4 Cir.1983) (quoting *Staren v. American Nat’l Bank & Trust Co. of Chicago*, 529 F.2d 1257, 1263
 5 (7th Cir.1976)); *see also* Fed.R.Civ.P. 1 (“[The Federal Rules] should be construed and
 6 administered to secure the just, speedy, and inexpensive determination of every action and
 7 proceeding.”). Consequently, requests for extensions of time made before the applicable deadline
 8 has passed should “normally ... be granted in the absence of bad faith on the part of the party
 9 seeking relief or prejudice to the adverse party.” 4B Charles Alan Wright & Arthur R.
 10 Miller, *Federal Practice and Procedure* § 1165 (3d ed. 2004).” Id.

12 In this case as shown in the declaration immediately below, Plaintiff’s counsel recently
 13 discovered that several motions, orders, and other required work had not been completed or were
 14 glaringly deficient. As a result, counsel had to terminate the person required to perform the
 15 tasks. This caused counsel to have to spend time correcting the work or performing the work.
 16 Counsel immediately contacted Defendants’ counsel and he agreed to allow an extension of two
 17 weeks to respond to the current summary judgment motion.
 18

19 DECLARATION OF COUNSEL

- 20 1. Plaintiff’s counsel recently discovered that numerous motions, orders and other required
 21 work had not been completed by a certain employee thereby forcing counsel for the
 22 Plaintiff to devote an inordinate amount of time correcting the deficiencies after
 23 Plaintiff’s counsel let this certain employee go.
 24

2. Plaintiff's counsel obtained a two week extension to answer the pending summary judgment motion. However, due to the reasons listed above, counsel needs an additional two weeks to file a response.
3. Plaintiff's counsel believes that good cause exists to allow an extension of time to file a response to the Defendants' summary judgment motion.

Dated this 16th day of October, 2015.

/s/ Randal R. Leonard, Esq.

RANDAL R. LEONARD, ESQ.

Nevada Bar No. 6716

500 South 8th Street

Las Vegas, NV 89101

(702) 598-3667/ office

(702) 598-3926/ facsimile

Attorney for Plaintiff

///

///

///

///

///

///

///

///

///

///

///

///

///

1 ///

2 **THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:**

- 3 1. That Plaintiff will have until October 16, 2015 to file a response to the Defendants'
4 Motion for Summary Judgment on file.
5

6 Dated: October 16, 2015

Dated: October 16, 2015

7
8
9 /s/ Randal R. Leonard, Esq.

10 RANDAL R. LEONARD, ESQ.

11 Nevada Bar No. 6716

12 500 South 8th Street

13 Las Vegas, NV 89101

(702) 598-3667/ office

(702) 598-3926/ facsimile

Attorney for Plaintiff

/s/ Michael Edwards, Esq.

MICHAEL EDWARDS, ESQ.

Nevada Bar No. 6281

6725 Via Austi Parkway, Suite 260

Las Vegas, Nevada 89119

(702) 836-3138/ office

Attorney for Defendants

14
15
16 IT IS SO ORDERED:

17
18
19 
UNITED STATES DISTRICT JUDGE,

20 DATED: October 19, 2015
21